

RECEIVED
SDNY PRO SE OFFICE

2017 NOV 13 PM 12:37

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

S.D. OF N.Y.

Eric Keaton

Write the full name of each plaintiff.

-against-

UNITED STATES et al.

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

17 CV 00952

(Include case number if one has been assigned)

SECOND AMENDED
COMPLAINT
(Prisoner)

Do you want a jury trial?

Yes No

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>11/13/17</u>

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

Violation of my federal constitutional rights

Other:

Civil Rights Act

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

First Name: Eric Middle Initial: M Last Name: Keaton

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Current Place of Detention: 2140 Daly Ave Apt 2C

Institutional Address:

County, City: BRONX State: N.Y. Zip Code: 10460

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced prisoner
- Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

City of NEW YORK

First Name

Last Name

Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City

State

Zip Code

Defendant 2:

Kenneth Ceaser

First Name

Last Name

920067

Shield #

Sergeant New York City MTS PCT (14th)

Current Job Title (or other identifying information)

357 West 35 street

Current Work Address

Manhattan

N.Y.

10018

County, City

State

Zip Code

Defendant 3:

Manetta, Michael

First Name

Last Name

949248

Shield #

Police officer Manhattan

Current Job Title (or other identifying information)

357 West 35 street

Current Work Address

Manhattan

N.Y.

10018

County, City

State

Zip Code

Defendant 4:

First Name Last Name Shield #

Current Job Title (or other identifying information)

Current Work Address

County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: 43 Street 8 Ave

Date(s) of occurrence: May 1, 2014

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On or about May 1, 2014 Plaintiff Eric Keaton, was shoping for a tee shirt in the 43 Street 8 ave area, out of nowhere came Sgt Ceaser and officer Manetta Michael, partner Midto WM South Precinct, who told Plaintiff Keaton, I was being arrested for a sale Ceaser, told Keaton, put your hands against the store glass window on 43 street 8 ave, Ceaser, and Manetta, partner search Keaton, without warrant and or probable cause and found no drugs. Then Ceaser, hand CUFF Keaton, then called for a police car to come get Keaton, about 15 minutes pass before they got there then Ceaser, told Keaton, to get in the car with the two John Doe officers and they took Keaton, to 46 street 8 ave, Keaton, sat there in the car with the two John Doe officers in front of the peep show while Ceaser, and fellow John Doe officers was arresting another individual. About 15 minutes pass before before Ceaser, told the two John Doe officers who sat there in the car with Keaton, to take Keaton, to the 14th precinct Midtown South, Where Keaton, was unlawfully arran ge and arrested by Sgt Ceaser, and partner Manetta, Keat on, unlawfully arrested detain in the 14th precinct, where

I was stripped searched Sexually exploited by Ceaser, and fellow John Doe officers, in violation of my rights to be free from illegal search and seizure. Ceaser claim Keaton, violated penal code 230.39, false arrest, Keaton, and imprison Keaton for 8 to 9 hours, in violation of my Civil Rights and United States Constitutional Rights, of Equal Protection and Due Process of law. With deliberate indifference Cruel and unusual punishment 4, 5, 8, 14, Amendments Bill of Rights

Defendants never had probable cause to arrest Keaton, or detain Keaton person in a jail or cell, probable cause exist when the issue of whether probable cause to search exist must be determined on the basis of an independent judgement of a detached Magistrate, it must be base on an affidavit, in support of a request for a Search Warrant. No such warrant and/or affidavit exist.

These acts are tortious and malicious without regard for the law of the land, The Constitution, Where rights Secured by the Constitution are involved there can't be no rule making or legislation which would abrogate them (Miranda vs Arizona)

In that plaintiff Keaton, was discriminated upon by this arbitrary and capricious act that was committed by defendant Ceaser, and Manetta, in a malicious and tortious sadistic manner with the sole purpose of deprivation of Plaintiff Keaton, civil rights and human rights under the Universal declaration of human rights and question the integrity of mankind.

Especially someone as the defendants who are actors under the United States Constitution and liable thereoff.

The defendants New York City and Commissioner is liable under FICA 1346, and that he failed in his job title and duty as Commissioner William Bratton, of New York City Police Department to enforce establish Codes of ethics in making arrest that do not discriminate against people that lead to illegal search and seizures in making arrest and stripe searching citizens, while in holding pens after arrest that was unlawful from the begining.

Together these defendants acted in concert in violating Plaintiff Keaton, rights they also discriminated and defamed his humanity Under the human rights, United States Constitution. And these defendants alike violated Keaton, Civil Rights. 

Sgt Ceaser and Manetta, know that the proper arrest is base on an oath or affirmation in court upon a warrant issued the violated the very oath to which they stand bound to uphold. They acted with Malfeasance, Malice, Maliciously arresting Plaintiff Keaton, and liable under the Federal Constitution, Magnuson-Moss Warranty, Civil Rights Act.

I Eric Keaton, being duly sworn states that the information in this pleading is upon information and knowledge Eric Keaton, further states that this is the facts stated herein: upon personal knowledge

All Rights Reserved
Eric Keaton

State of New York
County of New York

Subscribed and sworn to before me
This 13 day of May 2017 by

WAH HEE LEI
NOTARY PUBLIC, STATE OF NEW YORK
NO. 01LEG6151951
QUALIFIED IN KINGS COUNTY
CERTIFICATE FILED IN NEW YORK COUNTY
COMMISSION EXPIRES AUGUST 28, 2018

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

As the exact result of this unlawful arrest and imprisonment and Striped Search Sexually exploited, Plaintiff Keaton has suffered enormous amounts of sexual, and emotional and mental discomfort, mental anguish, paranoia embarrassment, shame, lost of confidence. Keaton, has to reb-

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

Will and strengthen his relation with his love ones and family. Plaintiff Keaton, respectfully hopes that this Just ice, enter judgement, in the amount of 300,000 for mental anguish in their individual and official capacity. Pain and suffering damages in the amount of 300,000 in their individual and official capacity. Punitive damages in the amount of 500,000 in their individual and official capacity. And that no reprisals be made against Plaintiff Keaton, for the purpose of this Complaint.